IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No.1858 of 2006

Rasiklal Bhikalal Shah ..Applicant

vs

State of Maharashtra ..Respondent

Mr. P.P.Runwal for the applicant

Mr. S.R.Borulkar, Public Prosecutor for the respondent State.

CORAM: KSHITIJ R. VYAS, C.J.

DATE: JUNE 30, 2006.

P.C.:-

The applicant, who is facing trial for offences punishable under sections 406, 409, 465, 467, 468, 471, 473, 474 and 420 read with section 34 and section 120B of the Indian Penal Code has applied for bail by way of present application. It may be stated that in respect of the aforesaid offences C.R.No 163 of 2004 has been registered at Malad Police Station, Mumbai which was later on transferred to General Branch, Crime Branch, CID, Mumbai, Economic Offence Wing under C.R.No.27 of 2004. The applicant applied for bail before the Sessions Court at Mumbai by way of a Bail Application No.422 of 2006, which came to be rejected by the Addl. Sessions

Judge, Greater Bombay, vide his order dated 24t March, 2006. However, considering the following facts and circumstances of the case, I am inclined to release the applicant on bail.

i) The applicant is in jail since 13th August, 2005 and has, therefore remained as under trial prisoner for about a year.

ii) Nine out of eleven accused are already released on bail by the tria court.

iii) Out of the loan amount of Rs. 4 Lakhs, Rs 2,43,700/- has already been repaid by the applicant.

iv) The investigation is over.

The aforesaid circumstances, in my opinion, are sufficient grounds for release of the applicant on bail. However, the learned Public Prosecutor states that the applicant being a habitual offender and he has been involved in 8 similar offences, he should not be released on bail. It is undisputed that the applicant has been released on bail in all the previous offences. In the above circumstances I am inclined to release the applicant on bail.

The applicant is released on bail on the following conditions:

The applicant shall be released on bail on his executing P.R. In the sum of Rs.25,000/- with one surety in the like amount, on usual terms and conditions with an additional condition that after the release on bail, the applicant shall report once in a week at the General Branch, Crime Branch, CID, Mumbai Economic Offence Wing Mumbai on every Saturday between 11 a.m. and 5.00 p.m. till the disposal of the case. He shall not leave the city limits without the permission of the concerned authority. Any breach of aforesaid conditions shall be a ground for cancellation of bail.

CHIEF JUSTICE